



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

# BZA Staff Report

**To:** Board of Zoning Appeals Members

**From:** Alex Getchell, Associate Planner

**Date:** November 25, 2015

**Re:** Cases ZB 2015-18 (UV) | Moonlight Automotive, Inc.

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### REQUESTS:

**Case ZB 2015-18 (UV)...Moonlight Automotive, Inc.** A request for a variance of use from the City of Franklin Zoning Ordinance, Article 3, Chapter 23 to allow the operation of an auto-oriented use (medium scale) – auto repair and body shop; vehicle detailing/accessory shop; oil change shop, in the IG: Industrial, General zoning district. The property is located at 599 Earlywood Drive, and is 1.58 acres in size.

### PURPOSE OF STANDARD:

The “IG”, Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

### CONSIDERATIONS:

#### Proposed Use

1. Moonlight Automotive, Inc. (Petitioner) is proposing to operate a vehicle repair, service and machine shop on 1.58 acres of property located at 599 Earlywood Drive.
2. Petitioner would occupy the entire 7,650sq. ft. existing facility, would have 7 employees on the largest shift, and would utilize 2 business vehicles (1 tow truck and 1 roll-off wrecker).
3. Automobile Repair is defined as “The use of a structure or property for the repair of motor vehicles, including noncommercial trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.” Automobile Repair is listed as an Auto Oriented Use (Medium Scale) per the land use table in Article 3.2.
4. An Auto Oriented Use (Medium Scale) is a non-permitted use in the IG (Industrial: General) zoning district.
5. Auto Oriented Use (Medium Scale) is only listed as a permitted use in the MXC (Mixed Use: Community Center) zoning district, and is listed as a Special Exception Use in the MXR (Mixed Use: Regional Center), and IBD (Industrial Business Development) zoning districts.

### **Parking Requirements**

6. Article 7, Chapter 10 of the Zoning Ordinance states “Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.”
7. According to Article 7.10:
  - a. A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
    - Every 200 sq.ft. of office space;
    - Every 200 sq. ft. of garage/repair facility floor area;
    - Each employee working on the largest shift; and
    - Each business vehicle.
  - b. Minimum parking stall size is 9’ x 18’ and must be striped.
  - c. Each parking space must be paved with asphalt or concrete [[See #10 below](#)].
8. Therefore, according to Article 7.10, the following number of off-street parking spaces required for the proposed use are:
  - Office space/waiting area (1,450 sq. ft.): 7 spaces
  - Repair, Service, and Machine Shop (6,200 sq. ft.): 31 spaces
  - Employees on largest shift (7): 7 spaces
  - Business vehicles (2): 2 spaces
  - TOTAL SPACES REQUIRED: 47 spaces
9. At least one (1) space provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.
10. The property has an existing gravel parking lot; staff has determined the parking lot is a legal-nonconforming site feature and the petitioner is not required to pave or concrete the existing parking lot. If the parking lot area is expanded/enlarged, only the expanded area would be required to be paved.

### **Storage of Vehicles to be Repaired**

11. According to Article 7, Chapter 10, the outdoor storage of vehicles associated with permitted auto repair facilities shall be completely enclosed with a 6 foot tall, 100% opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of 6 foot tall, 100% opaque wooden doors.
12. Petitioner has indicated they will enclose the storage area for vehicles to be worked on, with an opaque wood fence. The proposed storage area for vehicles will be the back portion of, and approximately 15,000 sq. ft. of the existing gravel lot.

### **Customer Parking**

13. A smaller portion at the front of the existing lot will remain accessible for customers dropping off and picking up vehicles for repair. The Petitioner has indicated the front portion of the existing lot will be paved, with asphalt or concrete, for customer drop-off/pick-up.
14. Petitioner is agreeable with Staff’s recommendation to provide at least seven (7) paved and striped parking spaces in front, for customer drop-off/pick-up.
15. There is availability for the required forty-seven (47) parking spaces, on-site, with seven (7) provided in front of the fence for customers, and forty (40) provided behind the fence to be repaired and for employee and business vehicle parking.

### **Comprehensive Plan & Zoning Ordinance**

16. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Manufacturing. “Manufacturing areas are intended to accommodate large scale businesses that produce finished products from raw materials. Uses in these areas may include product manufacturers, as well as any related warehousing and offices. Manufacturing areas may include facilities that involve emissions or the outdoor storage of materials and finished products. These two factors are the primary distinction between manufacturing areas and light industrial areas.”
17. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
18. According to Article 11.3: Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written or (2) the variance is terminated.
19. The surrounding zoning and land uses are as follows:
- | <b>Surrounding Zoning:</b>     | <b>Surrounding Land Use:</b>  |
|--------------------------------|---|
| North: IG, Industrial: General | North: Amcor Rigged Plastics manufacturing<br>Case Agricultural Implement Sales |
| South: IG, Industrial: General | South: Wertz Timber & Veneer, LLC   |
| East: IG, Industrial: General  | East: Johnson Co. REMC Contractor Storage Yard                                  |
| West: IG, Industrial: General  | West: Wertz Timber & Veneer, LLC  |

### **CRITERIA FOR DECISIONS – USE VARIANCE (VARIETY STORE):**

#### **(\*\*The petitioner will need to address the Criteria for Decisions in their presentation\*\*)**

In taking action on all use variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a use variance of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4) that:

#### **DECISION CRITERIA – USE VARIANCE (VARIETY STORE)**

1. *General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.*

#### **Staff Finding:**

Staff finds the approval of the use variance, with the proposed conditions, will not be injurious to the public health, safety, or general welfare of the community. All of the required parking will be provided and the vehicles to be repaired will be stored in an area enclosed by a 100% opaque wood fence. Additionally, approval, with the proposed conditions, will provide a paved entrance and parking area for the public. Moreover, the proposed use, albeit not permitted in the IG district, is of similar intensity as an industrial use.

2. *Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.*

#### **Staff Finding:**

Staff finds the adjacent properties would not be affected in a substantially adverse manner, as the general vicinity is comprised of a variety of industrial land uses with similar intensity of uses, including agricultural implement sales, outdoor contractor storage, and other large scale manufacturing uses. Therefore, the introduction of the proposed auto repair shop to the area will not substantially impact adjacent properties in a negative manner.

**3. *Condition of Property: The need for the variance (arises or does not arise) from some condition peculiar to the property involved.***

**Staff Finding:**

Staff finds that the need for the variance does arise from a condition peculiar to the property involved, as staff has found that with the relatively small size of the structure and property for industrial users, finding a permitted industrial user to operate from this facility would be difficult. Additionally, similar facilities that would suit an auto repair shop, which are also zoned appropriately, do not appear to exist in the general vicinity.

**4. *Unnecessary Hardship: The strict application of the terms of this Ordinance (will or will not) constitute an unnecessary hardship as they are applied to the property for which the variance is sought.***

**Staff Finding:**

Staff finds that the strict application of the terms of the Ordinance will result in an unnecessary hardship, as the impact of the proposed auto repair shop is similar in nature, or even less than, as some of permitted uses in the IG zoning district: agricultural products terminal, truck freight terminal, warehouse & distribution facility.

**5. *Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.***

**Staff Finding:**

Staff finds the granting of the use variance will not interfere with the Comprehensive Plan. The Comprehensive Plan designates this area as a manufacturing area, and further clarifies these areas “may include facilities that involve emissions or the outdoor storage of materials and finished products.” The similarities between the outdoor storage of manufacturing materials/finished products and vehicles to be repaired is significant enough that staff believes there will not be any interference with the Comprehensive Plan.

**STAFF RECOMMENDATION – USE VARIANCE**

Based on the written findings above, staff recommends **approval** of the petition with the following conditions:

- a. This use variance approval shall be limited to, and run with the applicant at 599 Earlywood Drive.
- b. Any expansion or relocation, of the parking lot or structure, for the auto repair, service, and machine shop shall require favorable action, including new findings of fact and conditions of approval, by the Board.
- c. Petitioner shall submit a site plan for the parking lot area which will be converted from gravel to paved surface, prior to construction, for administrative review and approval by Department of Planning & Engineering staff.
- d. All areas of the existing gravel parking lot, north of the proposed wood fence, shall be paved with asphalt or concrete for customer ingress/egress and parking.
- e. A minimum of seven (7) paved parking spaces, at least 9’ x 18’ in size, shall be maintained onsite, with appropriate pavement markings, specifically for customers of the auto repair, service, and machine shop.
- f. All vehicles stored onsite, either pre-, during-, or post-repair, shall be stored within the enclosed wood fence storage area or inside the building, except during times of drop-off/pick-up by customers.
- g. An application shall be submitted to the Division of Fire & Building Safety Plan Review Branch of the Indiana Department of Homeland Security for the change of use, and the structure shall meet all building code requirements for the change of use.
- h. All applicable Federal, State, and Local permits and approvals are required, include sign permits.